

### **REMARKS**

The specification has been amended to include reference numerals 94 and 96, and make changes noted by Examiner. Claim 23 has been deleted.

The specification was objected to as adding new matter in the form of new paragraph within the specification between paragraphs 21 and 22. However, this paragraph does not contain new matter. Information contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter *MPEP* § 2163.06. All of the matter within the new paragraph was contained in the claims as originally filed and therefore does not constitute new matter. The content of the new paragraph was originally presented in the filed application in at least claims 2, 3, and 11. Accordingly, Applicant has not added new matter to the specification and it is believed that this objection is overcome.

Claims 1-22, 24 and 25 were rejected as being anticipated by Carlson et al. (U.S. 4,923,057). Claim 1 recites at least one attachment member movable relative to the housing. Further, claim 1 requires a layer of compressible medium and a layer of electro-reactive medium. Further, claim 19 recites attaching a first member movable relative to the housing to a first structure and attaching a second member movable relative to the housing to a second structure movable relative to the first structure. Further, claim 19 recites separating layers of compressible medium and electro-electro-reactive medium.

Carlson et al, does not disclose or suggest the limitations of an attachment member movable relative to a housing as is recited in claims 1 and 19. Carlson et al. includes a housing (32) that are made of layers (12). The layers (12) are generally flexible. The layers (12) are maintained in a spaced relationship across region (18) which contains electrorheological fluid (14) (Col 7, lines 31-40). The Examiner has identified (18) as both a layer of compressible medium and a layer of electro-reactive medium. However, Carlson et al. only discloses a layer of electro-reactive medium (14). The reference numeral (18) in Carlson et al merely references the space between flexible layers (12)(Col 7, line36-37). Carlson et al. does not disclose both a layer of compressible medium and a layer of electro-reactive medium as is required by claims 1,19.

The Examiner cited to column 16, lines 63-65 as disclosing a first and second attachment member. However, this description is for a panel (56) as is shown in Figure 18 of Carlson et al. There are no attachment members disclosed or suggested. There is no attachment member disclosed in this Figure, in the specification or any of the other Figures in Carlson et al. that is movable relative to a housing.

The Examiner's remarks state that the attachment member can be any vibrating part such as a part of an engine that is mounted to a top surface of the housing (32). However, no such part is disclosed in Carlson et al. Examiner has not identified any such part or element in Carlson et al. that fulfills this limitation, nor is any disclose or suggested by Carlson et al. Each and every element of the claim must be disclosed in order to anticipate a claim. Carlson et al. does not disclose an attachment member movable relative to the housing and does not disclose any part that could possibly fulfill the limitation of an attachment member movable relative to the housing. This failure is in addition to the failure of Carlson et al. to disclose both a layer of compressible medium and a layer of electro-reactive medium.

Carlson et al does not disclose both a layer of compressible medium and a layer of electro-reactive medium, or an attachment member movable relative to a housing and therefore does not anticipate claims 1-22, 24 and 25. Accordingly, this rejection is improper and should be withdrawn.

The dependent claims also include limitations not disclosed or suggested by Carlson et al. What follows is description of the some of the limitations present in the claims that are not disclosed by Carlson et al. or the cited prior art. The descriptions are not meant to be exhaustive as many other claimed features are not disclosed by the cited prior art.

Claim 2 depends from claim 1 and further defines that one of the attachment members moves relative to the housing proportionate to a compressibility of the layer of compressible medium and the layer of electro-reactive medium.

Claim 4 recites that the housing includes a recess and the layer of electro-reactive medium extends into the recess for limiting movement of the layer relative to the housing. Claim 5 recites that the electro-reactive medium locks into the recess. Examiner directs Applicant to Figure 5 of Carlson. Figure 5 discloses containment layers (12). The containment layers (12) are not recess within the housing. Carlson et al. does not discloses the limitations of claims 4 and 5.

Claim 6 recites that there is two layers of compressible medium and one layer of electro-reactive medium between the compressible medium layers. Carlson et al does not disclose such a structure.

Claim 7 recites a sealed plate movable within the housing. Claims 8-11 further define the sealed plate. Carlson et al does not disclose a sealed plate movable within a housing.

Claims 13 and 14 recite that there are three layers of compressible medium and three layers of electro-reactive medium, and that the layers are alternated. Carlson et al does not discloses alternating layers of compressible medium.

Claim 22 recites a method including dispensing input energy through movable plates. Claim 24 recites a plate movable within the housing to prevent intermixing of compressible medium and electro-reactive medium. Carlson et al, discloses only an electro-reactive medium an therefore doe not disclose preventing intermixing of two dissimilar mediums.

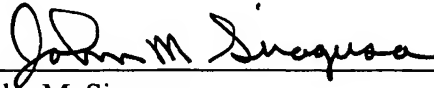
Accordingly, the claims include limitations that are not disclose or suggested by Carlson et al. Applicant requests withdrawal of the rejection to the claims as being anticipated by Carlson et al.

Claim 26 was submitted with the previous response and was not addressed in this response. Claim 26 recites limitations not disclosed or suggested by the prior art. Accordingly, Claim 26 is in allowable form.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited. Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

**CARLSON, GASKEY & OLDS, P.C.**

A handwritten signature in black ink, reading "John M. Siragusa", is positioned above a horizontal line.

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